Calendar No. 1619

82D CONGRESS, 2d Session } SENATE { REPORT No. 1688

DEBORAH JAYNE ENGELMAN

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JUNE 9 (legislative day, JUNE 5), 1952.—Ordered to be printed

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2555]

The Committee on the Judiciary, to which was referred the bill (S. 2555) for the relief of Deborah Jayne Engelman, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the racial barrier to admission into the United States in behalf of a minor half-Japanese child adopted by United States citizens. The child would be considered to be a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Japan of a Japanese mother and an American soldier father. The child has been released for adoption to Capt. and Mrs. Edward Engelman, who are United States citizens. Captain Engelman is on duty with our Armed Forces in Japan.

Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in connection with the bill, among which are the following:

GENERAL HEADQUARTERS FAR EAST COMMAND,
OFFICE OF THE COMMAND STAFF JUDGE ADVOCATE,
APO 500, December 10, 1951.

Hon. HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR MR. LEHMAN: Capt. Edward Engelman, O432915, Headquarters, Tokyo Quartermaster Depot, Eight Thousand and Eightieth Army Unit, APO 1051, in care of Postmaster, San Francisco, Calif., a resident of New York, and his wife, Mrs. Elvera Parker Engelman, have requested me to submit to you the information necessary to permit you to introduce a private bill for entry into the United States of Deborah Jayne, a half-Japanese child, whom they have taken into their custody for adoption.

For your information and assistance in submitting the private bill please find enclosed:

1. Adoption agreement entered into between Setsuko Abe, natural mother of Deborah Jayne Engelman, formerly known as Juliana.
2. Financial statement of Captain and Mrs. Engelman, to which is attached annual pay status certified to by the responsibile finance officer, Tokyo Quartermaster Depot.
3. Medical certificates showing the child, Deborah Jayne, to be free from disease, for the use of the Department of Justice, Immigration and Naturalization Service.
4. List, giving the names and addresses of the members of Captain Engelman's family.
5. List giving the names and addresses of Mrs. Elvera Parker Engelman's family.
6. List giving names and addresses of friends of the Engelman's in the United States who may be contacted if desired.
7. Letter, character reference of Col. R. G. Norman, Tokyo Quartermaster Depot.
8. Letter, character reference of Lt. Col. Richard L. Nispel, Tokyo Quartermaster Depot.
9. Letter, character reference from Chaplain Cashman.
10. Letter, character reference from Capt. and Mrs. Lee Moore.
11. Letter, character reference from Capt. Sidney A Simonson.
12. Letter, character reference from Lt. Col. Hugh F. Davis.
13. Draft of private bill for the relief of Deborah Jayne.

It will be appreciated by Captain and Mrs. Engelman if the word "alien" is not placed in this bill, inasmuch as the American consul's office here in Tokyo requires immigration procedures necessitating the forwarding of petition for immigration and naturalization, Form I-133, to be processed by the Immigration and Naturalization Service in Washington, also processing by the Japanese foreign officer here, when the word "alien" appears in the private law. This requires from 6 weeks to 2 months. Much inconvenience, confusion, and expense has been experienced in the past by persons adopting these children of American fathers where the word "alien" appears in the private law.

Captain and Mrs. Engelman have requested me to express to you their appreciation for your assistance in this matter and expressly request that the bill be introduced as early as practicable after Congress convenes in January, as Captain Engelman anticipates orders returning him to the United States in the near future.

A letter has been written to Hon. Homer Ferguson of Michigan, State of residence of Mrs. Engelman's parents, requesting that he assist you in any manner necessary for the passage of this private bill. Copy of letter to Senator Ferguson is attached for your information (enclosure 14).

With best wishes,

Sincerely yours,

MARY C. EASTERLING,
Attorney-Adviser.

Fourteen enclosures as stated.
Copy furnished Senator Homer Ferguson.

AGREEMENT

This agreement made on the 27th day of November 1951, by and between Setsuko Abe, a native citizen of Japan, residing at 1-Chome, 384 Setagaya, Setagaya-ku, Tokyo, Japan, and Capt. Edward Engelman and Mrs. Elvera Parker Engelman, husband and wife, citizens of the United States, with permanent domicile in New York, the husband being a member of the Armed Forces of the United States on duty with the occupation forces in Japan, witnesseth:

Whereas Setsuko Abe, the natural mother of a female infant born out of wedlock in Tokyo, Japan, on the 9th day of February 1951, known as Deborah Jayne; and

Whereas the father of said child is claimed by the mother to be an American soldier on occupation duty with the United States Armed Forces in Japan; and

Whereas the said mother is unable to provide or cause to be provided suitable care for said child or provide or cause to be provided suitable environment and education for said child; and

Whereas it is the desire of the said Setsuko Abe that Capt. Edward Engelman and his wife, Elvera Parker Engelman, adopt said child as their own lawful child; and

Whereas the child has been cared for by Capt. Edward Engelman and his wife, Elvera Parker Engelman, in their home ever since the 9th day of November 1951; and

Whereas the said Capt. Edward Engelman and his wife, Elvera Parker Engelman, desire to adopt said child and are in possession of money, property, and income sufficient to nurture, care for, bring up, educate, and provide for the said Julian and to the performance of all said things they are willing, ready, and able, and will by acceptance of this trust hereby bind themselves to carry out and perform fully and agree to accept said child as their own child as if born to them in lawful wedlock and make her their heir.

Now therefore in consideration of the premises and of the mutual covenants herein contained, the parties hereto mutually agree as follows:

First. The said Setsuko Abe hereby freely gives her full and unreserved consent to the said Capt. Edward Engelman and his wife, Elvera Parker Engelman, to adopt said child and to take her to the United States of America or elsewhere, to care, treat, and provide for her as though she were their own lawful child.

Second. The said Setsuko Abe hereby relinquishes in favor of Capt. Edward Engelman and his wife, Elvera Parker Engelman, all her rights as natural mother of said child and does hereby surrender all rights, title, and interest of every nature and control over said child from this time forth and hereby waives any and all rights to notice of any procedures with respect to the adoption of said child or of any steps to the adoption of said child and does hereby consent that said child be adopted by and be the child of the said Capt. Edward Engelman and his wife, Elvera Parker Engelman, and does hereby further consent to the entry of a decree to that effect in any court of competent jurisdiction.

Third. The said Capt. Edward Engelman and his wife, Elvera Parker Engelman, hereby agree with the said Setusko Abe to adopt, care for, bring up, provide for, and treat said child as their own lawful child with all the rights and duties thereunto appertaining.

In witness whereof the parties hereto set their hands and seals on the day and year first above written.

SETSUKO ABE,
Natural mother.
EDWARD ENGELMAN,
Captain, Unuted States Army.
ELVERA PARKER ENGELMAN.

Witnesses:

C. JOHN SEMERARO.
ROBERT E. KUHULE.
EMANUEL SCHWARTZ.

AMERICAN CONSULAR SERVICE, JAPAN,
City of Tokyo, ss:

I, Richard D. Nethercut, vice consul of the United States of America in and for Tokyo, Japan, duly commissioned and qualified, do hereby certify that on this 27th day of November A. D. 1951, before me personally appeared Setsuko Abe, Edward Engelman and Elvera Parker Engelman to me personally known, and known to me to be the individuals described in, whose name are subscribed to, and

who executed the above instrument, and being informed by me of the contents of said instrument they duly acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal the day and year last above written.

[SEAL] RICHARD D. NETHERCUT,
Vice Consul of the United States of America.

Service No. 17028. Tariff No. 28. Fee $2.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2555) should be enacted.

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